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C O N F I D E N T I A L SANTIAGO 487

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E. O. 11652: GDS

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SUBJECT: CHILE: A REVIEW ON HUMAN RIGHTS

1. SUMMARY: DURING 1976, HUMAN RIGHTS PRACTICES IN CHILE
IMPROVED APPRECIABLY, ALTHOUGH THE BASIC INTERNAL SECURITY SYSTEM
HAS NOT BEEN CHANGED. THE NEW ADMINISTRATION WILL WISH TO
CONSIDER HOW U.S. INFLUENCE CAN BEST BE APPLIED TO ENCOURAGE
FURTHER STEPS TOWARD THE RESTORATION OF NORMAL CONDITIONS IN
CHILE. WE SUGGEST STUDY OF A TWO-PRONGED APPROACH, DISTINGUISHING
BETWEEN PROCEDURAL PROTECTION AND DUE PROCESS FOR THE INDIVIDUAL
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ON THE ONE HAND, AND MOVEMENT TOWARD A MORE OPEN, PARTICIPATORY
SOCIETY ON THE OTHER. END SUMMARY.

2. WE START FROM THE OBJECTIVE FACT THAT THE YEAR 1976 WITNESSED
A DEFINITE IMPROVEMENT IN HUMAN RIGHTS PRACTICES IN CHILE. WHEN
THE YEAR BEGAN, OVER 3,500 PERSONS WERE CONFINED FOR POLITICAL
OFFENSES (INCLUDING THOSE TRIED AND CONVICTED FOR POSSESSING

ARMS); 800 OF THESE WERE HELD WITHOUT TRIAL OR CHARGE UNDER STATE OF SIEGE PROVISIONS. REPORTS OF ARBITRARY ARRESTS, MYSTERIOUS DISAPPEARANCES AND TORTURE WERE COMMON. DURING 1976 APPROXIMATELY 2,700 POLITICAL PRISONERS WERE RELEASED. OF THE 800 STILL INCARCERATED, ONLY ONE IS HELD WITHOUT CHARGE OR TRIAL UNDER STATE OF SIEGE, AND HE IS INVOLVED IN A PROPOSED EXCHANGE. SEVERAL HUNDRED OF THOSE AWAITING TRIAL OR CONVICTED AND SERVING HAVE BEEN RELEASED ON BAIL OR AFFORDED PROVISIONAL LIBERTY. MOVEOVER, THE NUMBER OF PERSONS DETAINED OR MISSING UNDER SUSPICIOUS CIRCUMSTANCES, AS WELL AS REPORTED CASES OF TORTURE, HAVE DECREASED MARKEDLY.

3. ON THE OTHER HAND, THE AUTHORITARIAN GRIP OF THE JUNTA REMAINS BASICALLY UNIMPAIRED. LEFTIST ADVERSARIES OF THE GOVERNMENT, AND OTHERS, CONTINUE TO DISAPPEAR MYSTERIOUSLY. CHILE STILL LIVES UNDER THE EMERGENCY PROVISIONS OF A STATE OF SIEGE, WHICH IN EFFECT SUSPENDS DUE PROCESS OF LAW FOR REAL OR IMAGINED DISSIDENTS.

THE DIRECTORAATE OF NATIONAL INTELLIGENCE (DINA) CONTINUES TO OPERATE AS A PERVASISVE SECRET POLICE FORCE, APPARENTLY SUBJECT TO LITTLE GOVERNMENT CONTROL. WHILE THREATS TO CRACK DOWN ON CHRISTIAN DEMOCRATIC PARTY LEADERS HAVE NOT BEEN CARRIED OUT, DEMOCRATIC TRADE UNION LEADERS ARE BEING SUBJECTED TO INCREASING PRESSURE. AND WHILE THE GOVERNMENT WOULD DISPUTE IT, OUR READING OF RECENT CONSTITUTIONAL AND OTHER POLITICAL DEVELOPMENTS WOULD BE THAT NO IMPORTANT STEP HAS YET BEEN TAKEN LOOKING TOWARD THE RESTORATION OF FREE POLITICAL INSTITUTIONS.

4. IN SHORT, THE IMPROVEMENT NOTED IN 1976, WHILE APPRECIABLE, CONFIDENTIAL

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IS LESS THAN FUNDAMENTAL. IT NEVERTHELESS INVOLVES A MARKED SHIFT FOR THE BETTER IN GOC PRACTICES. WE THINK THIS PROGRESS IS THE RESULT OF THREE FACTORS: U.S. POLITICAL AND ECONOMIC PRESSURE; THE FORCE OF WORLD OPINION, NOT ONLY IN THE WESTERN EUROPEAN STATES BUT ALSO IN THE NON-ALIGNED WORLD; AND GREATER SELF-CONFIDENCE ON THE PART OF THE GOC MILITARY IN THEIR ABILITY TO MAINTAIN INTERNAL SECURITY EVEN WITH RELAXED CONTROLS.

5. IT IS DIFFICULT TO DETERMINE THE RELATIVE WEIGHT OF THESE FACTORS, BUT WE FEEL THAT THE AMERICAN ELEMENT MAY WELL HAVE BEEN PREDOMINANT. WHILE THE GOC HAS BEEN ABLE TO ADJUST TO THE CESSATION OF U.S. MILITARY ASSISTANCE AND THE SHARP CUTBACK ON BILATERAL ECONOMIC ASSISTANCE, IT REALIZES THAT IT WOULD SUFFER MUCH MORE SEVERELY IF THE U.S. SHOULD SPEARHEAD A BOYCOTT OF CHILE BY THE INTERNATIONAL FINANCIAL INSTITUTIONS OR OTHERWISE STEP UP ITS PUNITIVE MEASURES. MOREOVER, AS TENSION BETWEEN CHILE AND PERU INCREASES, THE CHILEANS MUST REALIZE THE DANGERS INVOLVED IN FURTHER ANTAGONIZING THE UNITED STATES AND OTHERS. DIPLOMATIC ISOLATION IS A LUXURY THE CHILEANS CAN ILL AFFORD

TODAY.

6. THUS IT CAN REASONABLY BE SAID THAT THE PRESSURES EXERTED BY THE CONGRESS AND THE EXECUTIVE BRANCH OF THE USG -- AND THE POSSIBILITY OF ADDITIONAL PRESSURES -- HAVE BEEN INSTRUMENTAL IN STIMULATING SOME HUMAN RIGHTS IMPROVEMENTS IN CHILE. THE QUESTION REMAINS: WHAT OBJECTIVES SHOULD THE NEW ADMINISTRATION SET FOR THE PERIOD IMMEDIATELY AHEAD, AND WHAT MEASURES WOULD BE MOST APPROPRIATE TO ACHIEVE THEM. IN PART THE ANSWER WILL DEPEND ON THE EVOLUTION OF OUR GENERAL HUMAN RIGHTS POLICY WITH RESPECT TO REPRESSIVE REGIMES EVERYWHERE. BUT THE CHILEAN CASE HAS HAD CERTAIN UNIQUE ASPECTS.

7. WE ASSUME THAT THERE IS UNLIKELY TO BE MUCH DISPUTE OVER CONTINUING THE EXISTING USG POLICY LINE WITH RESPECT TO HUMAN RIGHTS IN CHILE, NARROWLY DEFINED AS PROTECTION OF THE SECURITY OF THE INDIVIDUAL AND THE EXISTENCE OF DUE PROCESS OF LAW. THE
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TIME HAS PASSED WHEN INDIVIDUAL OR MULTILATERAL STEPS TAKEN BY NATIONS TO INHIBIT SUCH PRACTICES COULD BE CONSIDERED INTERVENTION IN INTERNAL AFFAIRS, IN THE CLASSICAL SENSE.

8. BUT THE ISSUE BECOMES LESS CLEAR IN THE AREA OF BROADER POLITICAL FREEDOMS AND DEMOCRATIC PRACTICES. WE DEFINITELY PREFER THEM; BUT EQUALLY, OUR COMMITMENT TO LIBERAL DEMOCRATIC INSTITUTIONS CANNOT REALISTICALLY BE MANIFESTED ABROAD WITH THE SAME EXIGENCY AS OUR COMMITMENT TO FUNDAMENTAL HUMANITARIAN GUARANTEES.

9. IF THE U.S. SHOULD EXERCISE DIRECT BILATERAL PRESSURE TO BRING ABOUT SIGNIFICANT CHANGES IN CHILE'S POLITICAL SYSTEM, THE JUNTA WOULD PROBABLY REGARD THIS AS A NAKED EFFORT TO OUST IT FROM POWER. FOR GOVERNMENTS AS WELL AS FOR INDIVIDUALS, SURVIVAL IS A PRIMARY OBJECTIVE. IF THE JUNTA SHOULD COME TO BELIEVE THAT THE U.S. WERE TRYING TO DISPLACE IT, U.S. INFLUENCE WOULD DECREASE DRASTICALLY; THE PROSPECT FOR ACHIEVING FURTHER IMPROVEMENTS IN HUMAN RIGHTS PRACTICES WOULD BE DIMINISHED AS THE CHILEANS REACTED WITH A SIEGE MENTALITY; AND THE RESULT WOULD WELL BE TO UNDO ALL THAT HAS THUS FAR BEEN GAINED. WE DO NOT MEAN TO SUGGEST THAT THE USG SHOULD EVER FAIL TO MAKE CLEAR ITS VIEWS ON THE SUPERIORITY OF AN OPEN, PLURALISTIC SOCIETY. WHAT IS AT ISSUE IS THE MEANS TO BE USED IN THIS AREA, NOT THE OBJECTIVE.

10. FROM THE FOREGOING, WE CONCLUDE THAT THE USG SHOULD REVIEW ITS HUMAN RIGHTS POLICY TOWARD CHILE IN ALL ITS ASPECTS, PERHAPS STARTING WITH THE ANALYSIS CONTAINED IN THE 1976 CASP, ADJUSTED FOR THE IMPROVEMENTS NOTED DURING THE YEAR, WITH A VIEW TO DECISIONS ON A TWO-PART PROGRAM:

-- FIRST, THAT THE NEW ADMINISTRATION CONSIDER WHAT MEASURES

IT SHOULD TAKE SO AS MOST EFFECTIVELY TO INDUCE THE GOC TO RESTORE DUE PROCESS PROTECTION TO ITS CITIZENS; ABOLISH DINA OR SUBJECT IT TO ADEQUATE CONTROLS; AND OPEN CHILE'S DOORS TO RESPONSIBLE INTERNATIONAL INSPECTIONS GROUPS.

-- SECOND, THAT THE ADMINISTRATION CONSIDER HOW WE MAY BEST
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HELP STIMULATE THE GOC TO TAKE CONCRETE STEPS TOWARDS ITS ANNOUNCED OBJECTIVE OF THE RESTORATION OF SOME TYPE OF DEMOCRATIC PRACTICES IN CHILE. EARLY STEPS MIGHT INCLUDE ELECTIONS IN THE NEIGHBORHOOD BODIES, TRADE UNIONS AND TOWNS; SUBMISSION OF NEW CONSTITUTIONAL PROVISIONS TO A NATIONAL REFERENDUM; A MAJOR EFFORT AT COOPERATION ACROSS EXISTING POLITICAL LINES IN BEHALF OF SPECIFIC, ACCEPTED NATIONAL OBJECTIVES (I.E., A FORM OF NATIONAL RECONCILIATION), AND GREATER FREEDOM IN THE PRESS AND MEDIA.

11. AS THIS ENUMERATION INDICATES, THESE ARE AREAS IN WHICH FOREIGN INFLUENCE MUST BE EXERCISED DISCREETLY AND THROUGH SUGGESTION. BUT IN VIEW OF THE SPECIAL CHARACTER OF U.S. RELATIONS WITH CHILE OVER THE BETTER PART OF A GENERATION, WE THINK THE SUBJECT WARRANTS CONSIDERATION.

12. PROCEDURALLY, WE SUGGEST THAT A NEW PLANNING DOCUMENT COVERING THE FOREGOING MATERIAL BE PREPARED IN THE DEPARTMENT AT AN EARLY STAGE. SUCH A PAPER, INCLUDING A PLAN OF ACTION, COULD SERVE AS A BASIS FOR A NEW PHASE IN CHILEAN-AMERICAN RELATIONS, WHICH ARE NOW LARGELY STATIC. THE GOC REALIZES THAT THE BEGINNING OF A NEW ADMINISTRATION IN WASHINGTON GIVES IT AN OPPORTUNITY FOR A NEW START IN THESE RELATIONS. WITH THIS POINT IN MIND, IT IS SENDING A NEW AMBASSADOR TO WASHINGTON. WE SHOULD CONSIDER HOW THE U.S. CAN EXPLOIT THE OPPORTUNITY, NOT ONLY FOR NARROW BILATERAL REASONS BUT BECAUSE WHAT HAPPENS WITH REGARD TO HUMAN RIGHTS IN CHILE HAS A PARTICULAR BEARING ON THE WHOLE RANGE OF INTERNATIONAL HUMAN RIGHTS ACTIVITIES IN ALL QUARTERS.
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